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012804
22/64 U.S.PTOUTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| | | | |
|--|--|---|--|
| UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i> | | Attorney Docket No. | P04385US02 |
| | | First Inventor | WELSH, MICHAEL J. |
| | | Title | USE OF XYLITOL TO REDUCE IONIC STRENGTH AND ACTIVATE ENDOGENOUS ANTIMICROBIALS FOR PREVENTION AND TREATMENT OF AIRWAY AND OTHER INFECTIONS |
| | | Express Mail Label No. | EV 298922948 US |
| APPLICATION ELEMENTS <i>SEE MPEP chapter 600 concerning utility patent application contents.</i> | | ADDRESS TO: Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450 | |
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i> | | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (<i>Appendix</i>) | |
| 2. <input checked="" type="checkbox"/> Applicant claims small entity status. <i>See 37 CFR 1.27.</i> | | 8. Nucleotide and/or Amino Acid Sequence Submission <i>if applicable, all necessary</i> | |
| 3. <input checked="" type="checkbox"/> Specification <i>[Total Pages: 31]</i> <i>(preferred arrangement set forth below)</i> <ul style="list-style-type: none"> -Descriptive title of the invention -Cross Reference to Related Applications -Statement Regarding Fed sponsored R & D -Reference to sequence listing, a table, or a computer program listing appendix -Background of the Invention -Brief Summary of the Invention -Brief Description of the Drawings (<i>if filed</i>) -Detailed Description -Claim(s) -Abstract of the Disclosure | | a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: <ul style="list-style-type: none"> i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statements verifying identity of above copies | |
| 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <i>[Total Sheets: 6]</i> | | ACCOMPANYING APPLICATION PARTS | |
| 5. Oath or Declaration <i>[Total Sheets: 1]</i> | | 9. <input type="checkbox"/> Assignment Papers (cover sheet & documents(s)) | |
| a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) <i>(for continuation/divisional with Box 18 completed)</i> | | 10. <input checked="" type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i> | |
| i. <input type="checkbox"/> DELETION OF INVENTOR(S) <i>Signed statement attached deleting inventor(s) Named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)</i> | | 11. <input type="checkbox"/> English Translation Document (<i>if applicable</i>) | |
| 6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 | | 12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations | |
| 18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76: | | 13. <input type="checkbox"/> Preliminary Amendment | |
| <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No.: 09/861,841 | | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> | |
| Prior application information: Examiner: DELACROIX MUIRHEI, Cybille Art Unit: 1614 | | 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> | |
| For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation <u>can only</u> be relied upon when a portion has been inadvertently omitted from the submitted application parts. | | 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. | |
| | | 17. <input type="checkbox"/> Other: _____ | |

19. CORRESPONDENCE ADDRESS

| | | | | |
|---|-----------------------------------|-----------|--|------------------|
| <input checked="" type="checkbox"/> Customer Number | 22885 | | OR <input type="checkbox"/> Correspondence address below | |
| Name | | | | |
| Address | | | | |
| City | | State | Zip Code | |
| Country | | Telephone | 515-288-3667 | Fax 515-288-1338 |
| Name (Print/Type) | Registration No. (Attorney/Agent) | | | 37,719 |
| Signature | | | | Date 11/28/04 |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 428.00)

Complete if Known

| | |
|----------------------|-----------------------------|
| Application Number | |
| Filing Date | |
| First Named Inventor | WELSH, MICHAEL J. |
| Examiner Name | Delacroix Muirehei, Cybille |
| Art Unit | 1614 |
| Attorney Docket No. | P04385US02 |

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Other None
Order
 Deposit Account:

| | |
|----------------------|------------------------------|
| Deposit | 26-0084 |
| Account Number | |
| Deposit Account Name | McKee, Voorhees & Sease, PLC |

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application.
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
|----------|----------|----------|----------|--|
| 1051 | 130 | 2051 | 65 | Surcharge – late filing fee or oath |
| 1052 | 50 | 2052 | 25 | Surcharge – late provisional filing fee or cover sheet |
| 1053 | 130 | 1053 | 130 | Non-English specification |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examination action |
| 1805 | 1,840 | 1805 | 1,840* | Requesting publication of SIR after Examiner action |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month |
| 1401 | 330 | 2401 | 165 | Notice of Appeal |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal |
| 1403 | 290 | 2403 | 145 | Request for oral hearing |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding |
| 1452 | 110 | 2452 | 55 | Petition to revive – unavoidable |
| 1453 | 1,330 | 2453 | 665 | Petition to revive – unintentional |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) |
| 1502 | 480 | 2502 | 240 | Design issue fee |
| 1503 | 640 | 2503 | 320 | Plant issue fee |
| 1406 | 130 | 1460 | 130 | Petitions to the Commissioner |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR § 1.129(a)) |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR § 1.129(b)) |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application |

SUBTOTAL (1) \$ 385

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Fee from Extra Claims, below | | | | Fee Paid |
|------------------------------|----------|------|---|----------|
| Total Claims 10 | -20** = | x | = | 0 |
| Indep. 4 | -3** = 1 | x 43 | = | 43 |
| Claims | | | | |
| Multiple Dependent | | = | | |

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
|-----------------------|----------|----------|----------|--|
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid |
| 1204 | 86 | 2204 | 43 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) \$ 43.00 | | | | |

**or number previously paid, if greater; For Reissues, see above.

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

0

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|--------------------|------------------------------------|--------|-----------|--------------|
| Name (Print/Type) | HEIDI SEASE NIEBEL | Registration No. Attorney/Agent | 37,719 | Telephone | 515-288-3667 |
| Signature | | Date | | | 10/28/04 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450